

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference SP-1550.2 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/19384	International filing date (<i>day/month/year</i>) 20.06.2003	Priority date (<i>day/month/year</i>) 20.06.2002
International Patent Classification (IPC) or both national classification and IPC F21V14/06		
Applicant EVEREADY BATTERY COMPANY, INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 19.01.2004	Date of completion of this report 16.09.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Lange, C Telephone No. +31 70 340-2376 

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International application No. **PCT/US 03/19384**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-22 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-5,11-13,17-19
	No: Claims	1,2,6-10,14-16,20-22
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-3 116 022 (DAVIS ARIEL R) 31 December 1963 (1963-12-31)
D2: US-B1-6 174 071 (CHAN KWONG CHI) 16 January 2001 (2001-01-16)
D3: US-A-6 092 914 (ESAKOFF GREGORY F ET AL) 25 July 2000 (2000-07-25)

2. The subject-matter of claim 1 is not new in the sense of Art. 33(2) PCT. The reasons are the following:

The document D1 discloses a lighting device comprising a light source (102) for generating a light beam; a first magnifier lens (112) disposed in the a path of the light beam; a second magnifier lens (113) disposed in the a path of the light beam; and an adjusting mechanism (see column 6, lines 12-14) adjustable to move the first (112) and the second (113) magnifier lenses relative to the light source (102) to adjust size of the light beam and provide a substantially uniform light beam.

Thus, the subject-matter of claim 1 is not new.

3. Dependent claims 2,3-8,9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, the reasons being as follows:

3.1 Claim 2: see D1, figure 3 and 15. Therefore, the subject-matter of claim 2 is not new (Art. 33(2) PCT).

3.2 The document D2 discloses a flashlight with an adjusting mechanism comprising a cylindrical barrel member and a pair of sleeve members, wherein first and second female receptacles (44,46) are provided in one of the cylindrical barrel member and a pair of sleeve members (see figure 2), and the first and second male members (64,72) are provided on the other of the cylindrical barrel member and a pair of sleeve members, and wherein the first and second male members (64,72) travel within the first

and second receptacles so that when the cylindrical member is rotated the pair of sleeve members move axially relative to each other.

Furthermore, the additional features of claims 4 and 5 are fully disclosed in D2 (see figure 3 and 4a-4c).

Thus, these features described in document D2 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include these features in the light device described in document D1 in order to solve the problem posed.

Thus, the subject-matter of claims 3-5 is not inventive (Art. 33(3) PCT).

3.3 The document D3, which anticipates all features of claim 1, discloses a lighting fixture with two magnifier lenses disposed in the path of the light beam and with an adjusting mechanism to move the lenses relative to the light source (see figure 3-5 and column 4, lines 17-29).

Furthermore, D3 provides a reflector (68) wherein the light source (70) is positioned about the focal point of the reflector (see column 4, lines 37 and 38).

Therefore, the subject-matter of claim 6 is not new (Art. 33(2) PCT).

3.4 Claim 7: see D1, figures 3 and 15.

3.5 Claim 8: see D3, figures 3-5.

3.6 Claim 9: see D1, figures 3 and 15.

Thus, the subject-matter of claims 7-9 is not new (Art. 33(2) PCT).

4. The subject-matter of independent claim 10 differs from that of independent claim 1 in that it includes the features of claims 2 and 7.

The subject-matter of claim 10 is, therefore, not new for the reasons given above (Art. 33(2) PCT).

4.1 Claims 11-13 correspond to claims 3-5.

Thus, the subject-matter of these claims are not inventive for the reasons given in paragraph 3.2 (Art. 33(3) PCT).

4.2 Claims 14 and 15 correspond to claims 8 and 9.

Thus, the subject-matter of these claims are not new for the reasons given in paragraph 3.5 and 3.6 (Art. 33(2) PCT).

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5. The subject-matter of independent claim 16 differs from that of independent claim 1 in that it is a light control device and it includes the features of claim 7. The light control device has the same function as the lighting device as claimed in claims in 1-15. Thus, this expression makes no difference.
The subject-matter of claim 16 is, therefore, not new for the reasons given in paragraph 2 and 3.4 (Art. 33(2) PCT).

5.1 Claims 17-19 correspond to claims 3-5.
Thus, the subject-matter of these claims are not inventive for the reasons given in paragraph 3.2 (Art. 33(3) PCT).

5.2 Claims 20 and 21 correspond to claims 8 and 9.
Thus, the subject-matter of these claims are not new for the reasons given in paragraph 3.5 and 3.6 (Art. 33(2) PCT).

5.3 The light control device as described in D1 produces a spotlight as seen e.g. in column 6, line 5. Thus, this feature is known and the subject-matter of claim 22 is not new (Art. 33(2) PCT).

6. The subject-matter of the present application is industrially applicable in portable lighting devices.

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